UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

EDWARD A. McCARTHY, Plaintiff,)	
v. McLANE COMPANY, INC. and CONSTRUCTION MANAGEMENT TECHNOLOGY. Defendants.))))))	CIVIL ACTION NO.: 04-10335-RWZ

CERTIFICATION OF DEFENDANT McLANE COMPANY, INC. PURSUANT TO LOCAL RULE 16.1(D)(3)

Defendant McLane Company, Inc. ("McLane") and its counsel hereby certify, in accordance with the provisions of Local Rule 16.1(D)(3), as follows:

Defendant McLane and its counsel have conferred:

- (a) with a view to establishing a budget for the cost of conducting a full-course and various alternative courses of the litigation; and
- (b) to consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

McLANE COMPANY, INC.

March 1, 2004

By: Bart McKay, Associate General Counsel

March $/ \hat{8}$, 2004

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